

**MOTION
EXHIBIT 7**

**FILED UNDER
SEAL**

From: [REDACTED]
Sent: Wednesday, December 29, 2021 7:16 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: USF Baseball 12/29/21 Title IX Complaint Filed by [REDACTED]
Attachments: TI USF Title IX.docx; [REDACTED].JPEG; [REDACTED]USF Athletics Drop Form.pdf

Hello Ms. Nelson, My name is [REDACTED]. [REDACTED] left the USF baseball program in [REDACTED]. He was bullied, intimidated and abused by the coaching staff during the fall of 2020. [REDACTED] kept up with his studies and attempted to play baseball that fall while he recovered [REDACTED]. [REDACTED] and dealt with the challenges of Covid-19. At the end of 2020 fall baseball, [REDACTED] was essentially forced to quit the USF baseball program by the coaching staff and withdraw from school after [REDACTED]. His treatment was inappropriate and destructive. Because of the traumatic baseball experience at USF, [REDACTED]. In the spring of 2021, [REDACTED]. Today, I filed a Title IX complaint in connection with [REDACTED]'s abuse by the USF coaching staff. I was told by parties who have filed similar complaints in connection with the baseball program that I should notify you of our complaint in your capacity as USF Human Resources Director of Employment. Attached please find: (1) the summary of [REDACTED] inappropriate treatment by the USF baseball coaching staff that was included in our Description of the Incident or Concern section of our complaint and (2) two attachments that were uploaded and included in our complaint (a picture of [REDACTED] USF Athletics Drop From Team Roster Form where he expressed concern over his treatment). I'm available to discuss this matter at your convenience and I look forward to doing so. Best, [REDACTED]

USF Title IX Baseball Program Complaint
Description of the Incident or Concern

Summary

[REDACTED] is a former [REDACTED] who was bullied, intimidated, and mentally abused by the USF baseball coaching staff as a freshman in the fall of 2020. Our Title IX complaint specifies [REDACTED]

[REDACTED] because the online electronic form doesn't allow multiple incident dates to be entered. Importantly, [REDACTED] abuse took place throughout the fall from August 16, 2020 to December 6, 2020. He was essentially forced to quit the USF baseball program and withdraw from school after only one semester at the university. [REDACTED] treatment was inappropriate and destructive. Because of the traumatic baseball experience at USF, [REDACTED]

[REDACTED] is doing better, but he still isn't his normal self. We pray that he will fully recover mentally and emotionally. He is currently attending [REDACTED] while he works through his mental health issues.

Background

[REDACTED] one week prior to reporting to USF in late August 2020 during the Covid-19 pandemic. The surgery was approved beforehand by Associate Head Coach and Recruiting Coordinator Troy Nakamura. [REDACTED] suffered the injury while playing baseball in the summer of 2020 as part of his preparation for USF fall baseball. He was unable to fully participate in all USF baseball activities until mid-October and he performed poorly in fall baseball due to the injury. [REDACTED] was severely criticized by the coaching staff for his poor performance and Head Coach Nino Giarratano stopped speaking to [REDACTED] at practices and scrimmages. The silent treatment by Coach Giarratano was destructive and hurtful. The coaches offered [REDACTED] limited constructive and concrete feedback about improving his on-the-field performance. [REDACTED] mental health spiraled downward and he retreated into a shell that was misinterpreted by the coaches as laziness and lack of commitment. He was berated by the coaches for his attitude. The coaching staff was aware of [REDACTED] but they offered minimal support and assistance. Instead, they made his mental health issues worse. It took an incredible amount of effort and courage for [REDACTED] to continue his studies and attempt to play baseball [REDACTED] and dealing with an unsupportive coaching staff, [REDACTED]

In [REDACTED] fall baseball Zoom exit interview, the coaching staff was highly critical of [REDACTED] performance and attitude. [REDACTED] was told that he would never play at USF and that he should consider transferring to another school despite having a four-year 50% athletic scholarship. The coaches essentially forced [REDACTED] to quit because they gave up on him and wanted his scholarship back. A major selling point of USF baseball is the prospect of receiving a four-year athletic scholarship versus a year-to-year scholarship that many other college baseball programs offer. However, the USF four-year baseball scholarship is very misleading because the coaches can force a player to quit and recoup the scholarship.

[REDACTED] follow-up Zoom call with the USF coaches, [REDACTED] said he intended to return to USF in the spring semester and continue to play baseball. This surprised the coaches and [REDACTED] was again strongly discouraged from returning to the USF baseball program. Coach Giarratano told [REDACTED] that, in order to retain his athletic scholarship, he would have to attend all baseball activities, but he would never play in a regular season game. The message from Coach Giarratano was that if [REDACTED] returned to the USF baseball program, it would continue to be a difficult and uncomfortable place for him.

[REDACTED] texted Coach Nakamura and informed him that he would not return to the USF baseball team in 2021, but he planned to continue his education at USF. [REDACTED] completed the USF Drop From Team Roster Form and emailed the form to Coach Giarratano per Coach Nakamura's instructions. On the form, Coach Nakamura omitted why [REDACTED] was leaving and simply wrote in the Details of Withdrawal section:

"[REDACTED] has decided to quit the team at USF on [REDACTED] per conversation via text with me. He said "I've decided that I'm not going to continue my baseball career at USF. However, I'm going to continue my education at the University this spring. [REDACTED]"

On the form, [REDACTED] added the following to the Details of Withdrawal section:

"For the record, [REDACTED]

[REDACTED] Zoom calls with the coaches, I was encouraged to leave. I was told there was "no plans for any playing time at USF" and "it would be better to go someplace else." I feel forced to quit because I disappointed the coaches, they don't like me and they want my four-year 50% scholarship back."

[REDACTED] was one of the top 2020 USF baseball recruits. He was [REDACTED] in the 2020 class and verbally committed to USF as a [REDACTED]. [REDACTED] was a highly decorated high school catcher from [REDACTED] who played travel ball for the prestigious [REDACTED] scout team run by long-time Major League Baseball scout [REDACTED]. [REDACTED] was praised for his leadership skills and professional baseball potential by Coach Giarratano in a [REDACTED]. Coach Giarratano said:

Here is a link to the Examiner article:

Conclusion

█████ went from a leader and professional baseball prospect to a player USF essentially cut due to an injury and a disappointing fall performance while battling severe mental health issues compounded by the Covid-19 pandemic. The coaches had very high expectations for █████ and he didn't meet them. █████ was offered minimal support and assistance by the coaches and was expected to figure things out on his own. The coaches ignored his mental health issues and exacerbated the issues by harsh and inappropriate treatment. The coaches, particularly Head Coach Giarranto, quickly gave up on █████, wrote him off as a recruiting mistake and aggressively sought to recoup his athletic scholarship. He was abandoned by the USF coaching staff in less than three months with severe mental health issues after he had been steadfastly committed to the USF baseball program for two years and ignored overtures from other Division 1 baseball programs after committing to USF.

The USF baseball coaching staff, particularly Head Coach Giarratano and Associate Head Coach Nakamura, are hypocrites. The coaches claim that they develop and nurture their players mentally, emotionally, spiritually, academically, and athletically. Nothing could be further from the truth. The coaches profess Jesuit values, but don't practice them. It is very telling that [REDACTED] 2020 USF baseball recruiting class had a total of 17 recruits, of which eight have transferred and two more intend to transfer. The fact that almost 60% of the 2020 recruiting class has left or will leave is a testament to the coaching staff's ruthlessness and callous player treatment.

Interestingly, Perfect Game, one of the largest amateur baseball scouting organizations, ranked USF's 2020 recruiting class #82 in the nation among Division 1 baseball programs. USF was one of only two West Coast Conference baseball programs ranked in the top 100 (USD was ranked #52) and USF was ranked higher than programs such as Michigan State, Rice and UCSB. Clearly, something went horribly wrong when these well-regarded recruits arrived at USF resulting in an abnormally high transfer rate that can't simply be explained away by the Covid-19 pandemic.

Here is a link to the Perfect Game 2020 Division 1 baseball recruiting rankings:

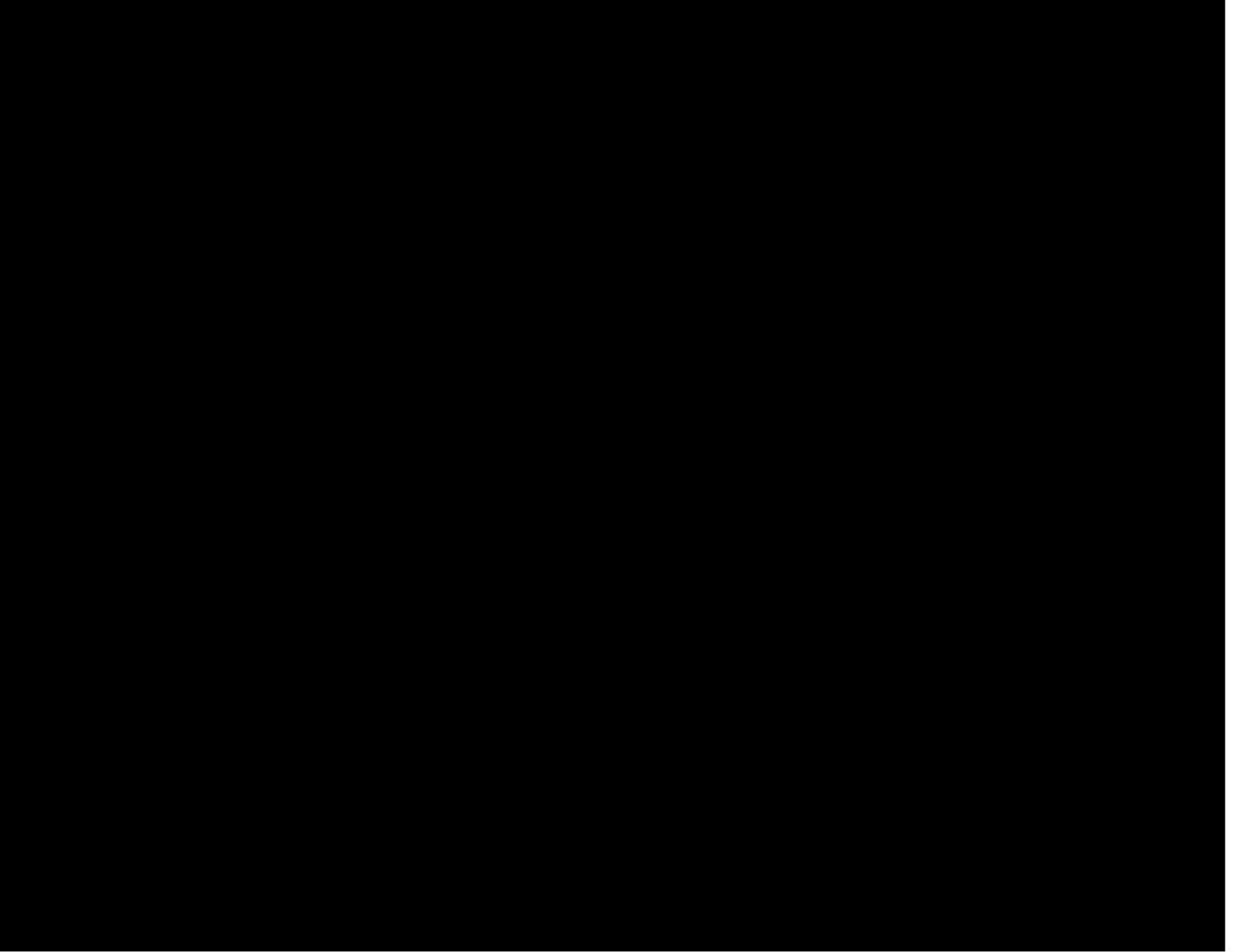
A common theme expressed by the 2020 recruits leaving USF was that they felt misled in the recruiting process and they were treated harshly and very differently when they arrived on campus compared to the recruiting process. The bottom line is that the USF baseball coaches are poor stewards of college student-athletes, they damage the mental health of many of their players, and they should be removed from their positions immediately and permanently before they can do any more harm.

Attachments

1.

2. [REDACTED] USF Athletics Drop From Team Roster Form

PROTECTIVE ORDER



PROTECTIVE ORDER



DROP FROM TEAM ROSTER FORM

Compliance Office/Department of Athletics/University of San Francisco

This form must be completed and submitted to the Compliance Office within one week of the student-athlete's change of status. Please use one form per student-athlete.

Student Athlete's Name:	[REDACTED]	Sport:	Baseball
		ID #:	

Reason for withdrawal: <input checked="" type="checkbox"/> Quit <input type="checkbox"/> Transferred <input type="checkbox"/> Cut <input type="checkbox"/> Other: Scholarship cancelled: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If yes, when: <input type="checkbox"/> During School Year <input checked="" type="checkbox"/> At End of School Year	Date: [REDACTED]
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* Details of Withdrawal:

[REDACTED] has decided to quit the team at USF on [REDACTED] per conversation via text with me. He said, "I've decided that I'm not going to continue my baseball career at USF. However I'm going to continue my education at [REDACTED] University this spring." [REDACTED] Please see my additional comments below. [REDACTED]

Based on this conversation, we would like to move forward with all necessary compliance procedure.

Head Coach Approval: Nino Giarratano [REDACTED]

Signature [REDACTED] Date [REDACTED]

Student-Athlete Approval: [REDACTED] [REDACTED]

Date [REDACTED]

Sport Administrator Approval: [REDACTED] [REDACTED]

Date [REDACTED]

FAR Notification _____ Date

FOR COMPLIANCE USE ONLY

SA decoded Scholarship changes processed Distribution email (Development, Operations, Equipment, CASA, Sport Supervisor, Sports Information, Strength & Conditioning, Housing, FAR)

Official Squad List updated SA paperwork on file Meeting with FAR

Assistant AD/Compliance Approval: [REDACTED]

Signature [REDACTED] Date [REDACTED]

*For the record, [REDACTED] Zoom [REDACTED]

calls with the coaches, I was encouraged to leave. I was told there was "no plans for any playing time at USF" and "it would be better to go someplace else." I feel forced to quit because I disappointed the coaches, they don't like me and they want my four-year 50% scholarship back. [REDACTED] [REDACTED]

PROTECTIVE ORDER